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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/778,045	02/07/2001	Takahisa Kurahashi	925-177	6211	
23117	7590 03/25/2004		EXAMINER		
NIXON & VANDERHYE, PC			CRANE,	CRANE, SARA W	
1100 N GLEBE ROAD 8TH FLOOR			ART UNIT	PAPER NUMBER	
ARLINGTON, VA 22201-4714			2811		
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/778,045	KURAHASHI ET AL.				
Office Action Summary	Examiner	Art Unit				
	Sara W. Crane	2811				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period was reply reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 24 Fe	ebruary 2004 (RCE filing).					
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
•						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
 4) Claim(s) 1-8 and 15-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-8, 15-20 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 						
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:					

Application/Control Number: 09/778,045

Art Unit: 2811

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krames et al. in view of Saeki and Vakshoori.

See reasons of record in the Office action of 24 September 2003. As noted there, Vakhshoori column 3, line 4, teaches that a single layer can function as a mirror. It would have been obvious to replace the upper DBR of the device of Krames figure 13 with a single mirror layer, because the processing steps would be simplified. This would not change the functioning of the Krames device, as argued by Applicant, because the DBRs in the Krames devices function as mirrors. Alternatively, it would have been obvious to texture the top surface of the device of Saeki figure 8B as taught by Krames et al. with respect to figure 13, for example, because such texturing enhances the light emission, as noted by Krames. The Saeki device has no DBR overlying the light emission layer, and needs no such layer (or other type of mirror) to function. The Krames texturing improves the light emission of any such device, as discussed in that reference, and does not require an overlying DBR to enhance emission. Thus this teaching would apply to the device of Saeki, even if it functions in a different manner.

Applicant's remarks submitted with respect to the rejected claims have been considered, but are not convincing as noted above. Applicant notes that none of the references anticipates the claims, and the examiner agrees. But there is motivation

taught for including texturing on the device of Saeki, and there is motivation to replace a multi-layer DBR with a single layer mirror, so the combination of references is relied upon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (517) 272-1652.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (517) 272-1562.

Sara W. Crane Primary Examiner

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